

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

In Re:

Larry Heath

Debtors

Chapter 13

Case Number 14-51033

Honorable Walter Shapero

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**OBJECTIONS TO CONFIRMATION**

NOW COMES Creditor, PNC Mortgage, a division of PNC Bank, National Association, by and through its attorneys, Orlans Associates, P.C., and hereby Objects to Confirmation as follows:

1. Larry Heath and Carolyn M. Heath executed a mortgage to PNC Mortgage, a division of PNC Bank, National Association dated April 25, 2011 and recorded with the Oakland County Register of Deed at Liber 43120, on Page 867 (the "Mortgage"). The Mortgage is a first mortgage on real property owned by the Debtors known and numbered as 1211 East Guthrie, Madison Heights, MI 48071.
2. PNC Mortgage, a division of PNC Bank, National Association, is the current holder of the Mortgage.
3. The Mortgage is materially in default.
4. The Debtors' Chapter 13 Plan proposes to pay monthly mortgage payments of \$425.00, and a pre-petition arrearage of \$8,000.00.
5. The Debtors' Chapter 13 Plan understates the pre-petition arrearage and fails to propose a reasonable length of time to cure the pre-petition arrearage.
6. The mortgage is non-modifiable pursuant to 11 U.S.C §1322(b)(2).
7. As of July 2, 2014 the mortgage pre-petition arrearage was \$9,493.62.
8. Creditor, PNC Mortgage, a division of PNC Bank, National Association, must receive the regular monthly mortgage payment \$367.68 plus at least \$263.71 a month on the pre-petition arrearage in the order for the arrearage to be cured within a reasonable length of time.

9. That Debtors' Chapter 13 Plan appears underfunded and infeasible, to pay the monthly mortgage payment and cure the pre-petition arrearage within a reasonable length of time.

WHEREFORE, PNC Mortgage, a division of PNC Bank, National Association, by and through its attorneys prays that Confirmation be denied, and the case be dismissed, or in the alternative, Creditor prays that this Chapter 13 be converted to a Chapter 7 pursuant to 11 USC §1307(c).

Respectfully Submitted,

Date: August 26, 2014

/s/ Heather D. McGivern  
Craig B. Rule, Esq. P67005  
Elizabeth M. Abood-Carroll, Esq. P46304  
Heather D. McGivern, Esq. P59393  
Orlans Associates, P.C.  
Attorneys for PNC Mortgage, a division of  
PNC Bank, National Association  
P.O. Box 5041  
Troy, MI 48007  
(248) 502-1400  
Email: crule@orlans.com  
eabood-carroll@orlans.com  
hmcgivern@orlans.com  
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